

**NEW JERSEY NOISE CONTROL COUNCIL MEETING
DECEMBER 8, 2009
MINUTES**

NCC ATTENDEES: J. Lepis (Chairman, Civil Engineer), J. Kapferer (Vice Chairman, Public Member), J. Feder (Secretary, Public Member-pending confirmation), A. Schmidt (Public Member-Registered Environmental Health Specialist), S. Szulecki (Public Member-pending confirmation, Ecologist), R. Hauser (DOL, Member), C. Accettola (Public Member-pending confirmation), I. Udasin (Public Member-Medical Doctor), Eric Zwerling (RTNAC), D. Triggs (NJDEP).

I. ADMINISTRATIVE

Minutes of the November 10 meeting were approved. Secretary Feder solicited opinions from the group regarding how members were to be described in the list of attendees, since some existing descriptions did not fully convey NCC role. It was suggested that brief biographical descriptions be posted on the web site. Due to pressure of other NCC business, the descriptions in the draft minutes were retained as an interim measure. There was discussion of problems caused by the delay in obtaining formal confirmation for many pending members from the Governor's office. This has created difficulties in creating a quorum. It was agreed that another attempt would be made to press for confirmations. Due to the pressure of pending business on the Model Ordinance and revisions to the NJ Noise Statute, a January meeting will be scheduled.

II. MODEL CODE

2.1 Items Open from November Meeting

Definitions of "Emergency Work" and "Sound Reduction Device" were completed based on suggestions circulated via email since the November meeting. Miscellaneous refinements elsewhere in the early pages of the Model Code were also adopted.

2.2 "Enforcement"

Enforcement of rules where the violation "straddles" a municipal or governmental boundary was discussed, i.e what happens when sound created in one entity creates a violation in another, which may, in fact, have different standards. It was further discussed that an Ordinance approved by one town cannot be enforced on properties in another town. The Model Ordinance states that officers and investigators may cooperate in such situations, but offers no definitive resolution. Unfortunately, no good solution was put forth if there was reluctance or refusal to cooperate.

2.2 Maximum Permissible Sound Levels

The section on "Maximum Permissible Sound Levels" was determined to need significant work. After substantial discussion, Mr. Szulecki and Mr. Zwerling volunteered to perform a rewrite in which there would be a separate earlier section covering measurement protocols, appearance of tables in the document would be reordered, and one of the tables broken into two parts.

2.3 Maximum Permissible Increase in Permissible Sound Level Above the Neighborhood Residual Sound Levels

Chairman Lepis raised concern that the use of the nighttime 3 decibel threshold indoors across a property line might be too strict. This prompted a lively discussion going back to the experiments conducted earlier in the year about the audibility of “thumping” music transmitted through walls. Mr. Zwerling expressed the view that music that was clearly audible at night could keep a neighbor awake and that there was not a good reason for allowing volitional sources such as televisions or sound production equipment, whose volume could be turned down, to be allowed to keep a neighbor awake beyond 10PM in the evening. Although there was support within the group for this goal, enforcement posed challenges.

The earlier NCC experiments determined that music transmitted through a wall could be quite audible, and potentially objectionable, without showing a clear rise above background on an “A” weighted sound measurement. “C” weighting appeared to help mildly, but it was clear, that even with C weighting, music became quite audible before it showed up on a slow meter measurement. Mr. Zwerling stated that in one consultancy situation, in which a goal was to avoid sound being clearly audible, he had set a goal 10 decibels below the neighborhood residual.

Several factors contribute to this situation. First, if the intrusive sound is in a different frequency band and not subject to audible “masking” by background sounds, then it may be clearly audible, even if its measured weighted sound level is well below the neighborhood residual. Second, if the sound is of a pulsating nature such as the “thump” in disco music, the duration of the pulses may be short enough to not contribute much energy to a “slow” meter setting sound level measurement. Mr. Zwerling suggested that “fast” setting would not help much since the meter would fluctuate too rapidly and wildly to obtain a consistent measurement. A basic problem seems to be that the ear is able to easily segregate sounds whose frequency or time characteristics are different from an approximately steady ambient. Mr. Zwerling suggested that the group might wish to consider at a later date, a possible additional separate Model Ordinance, based on audibility criteria, for offering to municipalities for adoption under local nuisance statutes. This would help some of the difficulties regarding “grace period” for mobile sources encountered with the current Model Ordinance based on 7:29.

III. NEXT MEETING

The next scheduled meeting is on January 12, 2010.

Respectfully submitted:

Jerome Feder